

# PATENT COOPERATION TREATY

# PCT

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44*bis*)

Applicant's or agent's file reference 1282-022/MMM	<b>FOR FURTHER ACTION</b>	See item 4 below
International application No. PCT/US2004/011372	International filing date ( <i>day/month/year</i> ) 12 April 2004 (12.04.2004)	Priority date ( <i>day/month/year</i> ) 11 April 2003 (11.04.2003)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant FLEXIWORLD TECHNOLOGIES, INC.		

1.	This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 <i>bis</i> .1(a).																								
2.	This REPORT consists of a total of 8 sheets, including this cover sheet.  In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.																								
3.	<p>This report contains indications relating to the following items:</p> <table style="width: 100%;"> <tr> <td style="width: 10%; text-align: center;"><input checked="" type="checkbox"/></td> <td style="width: 30%;">Box No. I</td> <td style="width: 80%;">Basis of the report</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. II</td> <td>Priority</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td>Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td>Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td>Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </table>	<input checked="" type="checkbox"/>	Box No. I	Basis of the report	<input type="checkbox"/>	Box No. II	Priority	<input checked="" type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/>	Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/>	Box No. VI	Certain documents cited	<input checked="" type="checkbox"/>	Box No. VII	Certain defects in the international application	<input type="checkbox"/>	Box No. VIII	Certain observations on the international application
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<input type="checkbox"/>	Box No. VIII	Certain observations on the international application																							
4.	The International Bureau will communicate this report to designated Offices in accordance with Rules 44 <i>bis</i> .3(c) and 93 <i>bis</i> .1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44 <i>bis</i> .2).																								

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Date of issuance of this report 14 August 2007 (14.08.2007)
Facsimile No. +41 22 338 82 70	Authorized officer  <div style="text-align: center; font-weight: bold;">Ellen Moyse</div> e-mail: pt05.pct@wipo.int

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

To:  
MARK M. MEININGER  
IPSOLON LLP  
805 SW BROADWAY #2740  
PORTLAND, OR 97205

# PCT

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Applicant's or agent's file reference 1282-022/MMM		Date of mailing (day/month/year) <b>20 JUN 2007</b>
International application No. PCT/US04/11372		<b>FOR FURTHER ACTION</b> See paragraph 2 below
International filing date (day/month/year) 12 April 2004 (12.04.2004)	Priority date (day/month/year) 11 April 2003 (11.04.2003)	
International Patent Classification (IPC) or both national classification and IPC IPC(7): G06F 9/24 and US Cl.: 713/1		
Applicant FLEXIWORD TECHNOLOGIES, INC.		

1. This opinion contains indications relating to the following items:

- |                                     |              |  |
|-------------------------------------|--------------|--|
| <input checked="" type="checkbox"/> | Box No. I    | Basis of the opinion   |
| <input type="checkbox"/>            | Box No. II   | Priority   |
| <input checked="" type="checkbox"/> | Box No. III  | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability   |
| <input type="checkbox"/>            | Box No. IV   | Lack of unity of invention   |
| <input checked="" type="checkbox"/> | Box No. V    | Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/>            | Box No. VI   | Certain documents cited  |
| <input checked="" type="checkbox"/> | Box No. VII  | Certain defects in the international application   |
| <input type="checkbox"/>            | Box No. VIII | Certain observations on the international application  |

## 2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/ US Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (703) 305-3230	Authorized officer Thomas C Lee Telephone No. (703) 305-3900
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WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

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Box No. I Basis of this opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☒ This opinion has been established on the basis of a translation from the original language into the following language \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).

2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

☐ a sequence listing

☐ table(s) related to the sequence listing

b. format of material

☐ in written format

☐ in computer readable form

c. time of filing/furnishing

☐ contained in international application as filed.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

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**Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability**

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been examined in respect of:

☐ the entire international application

☒ claims Nos. 7

because:

☐ the said international application, or the said claim Nos. \_\_\_\_\_ relate to the following subject matter which does not require an international preliminary examination (*specify*):

☒ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. 7 are so unclear that no meaningful opinion could be formed (*specify*):

It is unclear as to what exactly "with connections to plural distinct peripheral" refers to.

☐ the claims, or said claims Nos. \_\_\_\_\_ are so inadequately supported by the description that no meaningful opinion could be formed.

☐ no international search report has been established for said claims Nos. \_\_\_\_\_

☐ the nucleotide and/or amino acid sequence listing does not comply with the standard provided for in Annex C of the Administrative Instructions in that:

the written form

☐ has not been furnished

☐ does not comply with the standard

the computer readable form

☐ has not been furnished

☐ does not comply with the standard

☐ the tables related to the nucleotide and/or amino acid sequence listing, if in computer readable form only, do not comply with the technical requirements provided for in Annex C-*bis* of the Administrative Instructions.

☐ See Supplemental Box for further details.

WRITTEN OPINION OF THE  
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**Box No. V Reasoned statement under Rule 43 bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Claims <u>1-4 and 8</u>	YES
	Claims <u>5-7 and 9-19</u>	NO
Inventive step (IS)	Claims <u>1-6, 8, 10-13 and 16-18</u>	YES
	Claims <u>7, 9 14-15 and 19</u>	NO
Industrial applicability (IA)	Claims <u>1-19</u>	YES
	Claims <u>NONE</u>	NO

2. Citations and explanations:

Please See Continuation Sheet

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

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**Box No. VII Certain defects in the international application**

The following defects in the form or contents of the international application have been noted:

Claim17 is objected to under PCT Rule 66.2(a)(iii) as containing the following defect(s) in the form or contents thereof: "(maybe moving to dependent claim)" is meaningless and should be removed from the claim.

WRITTEN OPINION OF THE  
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Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

V. 2. Citations and Explanations:

3. Referring to claim 2, Lang teaches that the autorun software is located in the memory portion of the memory device which as explained above is part of the controller [¶ 0048]. Therefore it is interpreted that the autorun software is embedded in the controller.
4. Referring to claim 3, because the selected software comprises keys, which provide cryptographic services, it is interpreted that these would be stored in protected memory in order to keep the keys secure. In addition, the host system is "expecting" the autorun software so that the host system can be configured to access the selected software and therefore would authenticate it in order to acknowledge that the software has been accessed by the host device [¶ 0048].
5. Referring to claim 4, Lang teaches that the software provides operation of a wireless device on the host computing device [Fig. 2A, ¶ 0030 and ¶ 0048].
6. Referring to claim 8, Lang teaches that the device is connectable to a USB port [Fig. 2A and ¶ 0030].
7. Claims 5 and 6 lack an inventive step under PCT Article 33(3) as being obvious over Yang in view of Yoshida et al [Yoshida] US Pub No 2002/0101515.
8. Referring to claims 5 and 6, the Yang system teaches a USB storage device but does not explicitly teach that the device comprises a manual switch for selecting among more than two operating states. Yoshida teaches a digital camera that can also be used as a USB storage device which comprises a switch which allows a user to select among more than two operating states [¶ 0207 and ¶ 0261]. It would have been obvious to modify the Yang system to include the teachings of Yoshida because it would make the Yang system more robust by incorporating devices which are not strictly just USB storage devices but rather those devices which could emulate a USB storage device.
9. Claims 10-13 and 16-18 lack an inventive step under PCT Article 33(3) as being obvious over Lang in view of Laney et al [Laney] US Pat No 6366966.
10. Referring to claim 10, Lang teaches the invention substantially including:
  - a. loading and running the autorun software on the host computer [¶ 0048].Lang does explicitly teach:
  - b. determining whether autorun software on an integrated circuit memory device is enabled upon activation of the integrated circuit memory device with a host computer
  - c. identifying enabled autorun software to the host computer with a device interface descriptionIn summary, Lang not specifically teach the host device identifying executable autorun software on a memory device using a device interface description. Laney teaches identifying executable autorun software on a memory device using a device interface description [col. 1 lines 57-60 and col. 2 lines 11-36]. It would have been obvious to one of ordinary skill in the art at the time of the invention to include the identifying means taught in Laney into the Lang system because Lang does not specifically detail how to identify the autorun software so that it can be executed and Laney teaches a means for identifying autorun software.
11. Referring to claim 11, Lang teaches that the device will initially appear to the host system as a first device then identified as a second device after executing the autorun software [abstract and ¶ 0048].
12. Referring to claim 12, Lang teaches that the device can be a wireless device [Fig. 2A, ¶ 0030 and ¶ 0048].
13. Referring to claim 13, Laney teaches that the identifying means is analogous to that of a CD-ROM drive.

**WRITTEN OPINION OF THE  
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International application No.  
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**Supplemental Box**

In case the space in any of the preceding boxes is not sufficient.

14. Referring to claims 16-18, these are rejected on the same basis as set forth hereinabove. Lang and Laney teach the method and therefore teach the software performing the method.